

## REMARKS

Claims 1 - 33 are currently pending in this application. Claims 1 – 20 were withdrawn from further consideration as being drawn to a non-elected invention. The Applicant elected claims 21 – 33 without traverse.

### **Response to Rejection under 35 USC 103**

Claims 21 – 33 were rejected under 35 U.S.C. 103(a) as unpatentable over Rudd et al in view of Bakalar and in view of Dillon. Rudd et al was cited as disclosing a process for molding a bifocal or corrective lens portion using the instant two injection molds. This alleged process included an outer mold forming the body of the lens and inner mold forming the corrective or light magnifying portion. Bakalar was cited as merely showing what the primary reference is already disclosing.

Claim 21 is directed to a method of manufacturing of eyewear having the limitations of injecting heated plastic resins in an outer mold to create a outer lens blank with a first focal power; *injecting heated plastic resins in a inner mold within the outer mold to create a inner lens blank with a second focal power*; and dyeing the outer lens blank and the inner lens blank with pigmentation to limit light transmittance between ten and forty percent. (emphasis added)

Rudd et al. is directed to a method and apparatus for forming a laminated bifocal lens. The laminated bifocal lens includes a rear prescriptive lens onto which a second lens having a bifocal segment is laminated. The second lens is formed from a female mold 30 having a segment insert 34 received within a bifocal segment cavity 32 defined outside the outer lens mold surface 54. The bifocal segment is formed on the exterior surface of the outer lens not within the outer lens. This is not a lens within a lens process.

Bakalar discloses a process for simultaneous molding of polycarbonate lens blanks. Bakalar does not disclose a process for molding an inner lens within an outer lens.

Neither of these references disclose the limitations of the instant claim. Neither of these references disclose two separate molds, one within the other. Instead, Rudd et al discloses a mold having a first mold surface 54 and a second mold cavity 32 defined outside the mold

surface 54. Bakalar does not even disclose two separate mold surfaces. Thus claims 21 – 26, 32, and 33 are allowable for this reason alone.

The Office Action acknowledged that neither Rudd et al or Bakalar disclose dye pigmentation and hard metallic coatings on eyewear. Dillon was cited as showing these features. The Office Action stated that it would have been obvious to modify the method of Rudd et al as taught by Dillon to provide “tinting” and metallic coating on the eyewear of Rudd et al to arrive at the claimed invention. Further, the Office Action stated that “Hence, coating in a sufficient amount “to disguise” the focal power would certainly have been obvious for the additional aesthetic effort such would have provided.”

Dillon discloses mirror coated sunglasses that are scratch and abrasion resistant. Dillon does not disclose using mirror coating on prescriptive eyewear. Dillon is not concerned with focal powers of lenses. Thus it would not have been possible for Dillon to coat lens having differing focal powers with hard mirror coatings to disguise the focal powers of the lens. Further, neither Rudd et al or Bakalar are concerned with this problem of disguising the focal powers of the lens.

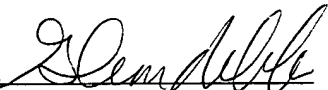
None of the prior art references disclose, teach or suggest a coating to disguise the differences in focal powers of multifocal lenses. None of the prior art references disclose, teach or suggest even the need or desirability for disguising the differences in focal powers of multifocal lenses. It is a tenet of patent law that the references must suggest the need for a limitation in order to modify a reference to achieve that limitation. As stated by the Federal Circuit in *In re Fritch*, 23 USPQ 2d 1780, 1783-1784 (Fed. Cir. 1992), “The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification.”

In the present instance, there simply is no suggestion of any kind for modifying the lens assembly of Rudd et al to disguise the differences in focal power of the lens assembly. Thus, claims 22 - 33 should be allowable over the prior art for this reason alone.

The Applicant respectfully requests that claims 21 – 33 be allowed in view of the above remarks. The Examiner is respectfully requested to telephone the undersigned if further discussions would advance the prosecution of this application.

Respectfully submitted,

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